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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,199	03/26/2004	Bruce E. Edwards	BP 3195	8646
34399	7590	12/19/2005		
GARLICK HARRISON & MARKISON LLP P.O. BOX 160727 AUSTIN, TX 78716-0727			EXAMINER JACKSON, BLANE J	
			ART UNIT 2685	PAPER NUMBER

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/810,199

Applicant(s)

EDWARDS ET AL.

Examiner

Blane J. Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims contain the phrase "does not count the number of clock cycles for said *second* clock signal when said wireless communication system is operating in said second power mode" which is in direct contradiction to the meaning of respective claims 1, 9 and 14, 22. It is supposed that "*second* clock signal" should be "*first* clock signal".

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Shohara et al. (US 6,473,607).

As to **claims 1 and 14**, Shohara teaches a wireless communication system and method of managing power comprising:

A radio module operable to communicate data between a host and at least one external device (figure 1, receiver (26), cellular telephone or paging network, column 11, lines 9-33),

At least one digital module operable to process data communicated by the radio module (timer (70), controller and user data device (34) include digital processing components all clocked by the reference oscillator (90), column 12, lines 3-9),

A clock generator for generating first and second clock signals for use by the digital module (combination of a high speed reference clock (92) provided by the reference oscillator (90) and a low speed second reference clock (98) provided by the sleep oscillator (96)),

Power management logic operable to control said clock generator to cause the clock generator to generate the first clock signal when the wireless communication system is operating in a first power mode and to generate the second clock signal when the wireless communication system is operating in a second power mode (figure 1, a power controller (42) for controlling power supplied to components of the communications device in response to real-time commands from a timer (70) or command from device operations controller (50), device components including a reference oscillator (90) powered on in the active mode, off for the sleep mode and a sleep oscillator (96) power on during the sleep mode, off during the active mode, column 11, line 55 to column 12, line 64).

As to **claims 2 and 15** with respect to claims 1 and 14, Shohara teaches the radio module is turned on when the wireless communication system is operating in the first power mode (receiver (26) is selected on in the first or active power mode, column 12, lines 32-47).

As to **claims 3 and 4** with respect to claim 2 and **claims 16 and 17** with respect to claim 15, Shohara teaches the first clock signal is a high-speed clock generated by the clock generator, a crystal and a phase locked loop, when the radio module is turned on (reference oscillator (90) provides the reference clock (92), column 11, line 60 to column 12, line 18).

As to **claim 5 and 18** with respect to claims 1 and 17, Shohara teaches the radio module is turned off when the communication system is operating in the second power mode (sleep mode, column 12, lines 50-57).

As to **claims 6 and 7** with respect to claim 5 and **claims 19 and 20** with respect to claim 17, Shohara teaches the second clock signal is a lower frequency clock that is generated by the clock generator, a low-power oscillator, when the radio is turned off (sleep oscillator (96) provides the second reference clock (98), column 12, lines 19-56).

As to **claims 8 and 21** with respect to claims 1 and 14, Shohara teaches a timer operable to count clock cycles of the first and second clock signals (figure 2, timer (70)

comprising reference counter (74) to count the cycles of the reference clock (72) during the active mode and sleep counter (88) to count the low frequency clock (86) during the sleep mode, column 12, line 66 to column 13, line 60).

As to **claims 9 and 22** with respect to claims 8 and 21, Shohara teaches a timer management module operable to maintain a cumulative count of the number of clock cycles counted by the timer during a predetermined time interval (frame counter (80) counts input frame epochs, the system is maintained in units of frames, generated by either the reference or sleep counter, column 6, lines 30-46).

As to **claims 10 and 23** with respect to claims 9 and 22, Shohara teaches the timer is operable to count the number of clock cycles for the first clock when the wireless communication system is operating in the first power mode and is further operable to count the number clock cycle for the second clock signal when the wireless communication system is operating in the second power mode (figure 2, mode control logic (60) selects the reference counter in the active mode and the sleep counter (88) in the sleep mode, column 6, lines 30-40 and column 13, lines 61-67).

As to **claims 11 and 24** with respect to claims 10 and 23, Shohara teaches the number of clock cycles counted by the timer when the wireless communication system is operating in the second power mode is converted to an equivalent number of clock cycles that would have been generated by the first clock by using an adjustment factor

based on the number of cycles the first clock would generate during a single cycle of the second clock (sleep counter accumulates a fraction of the sleep increment value in the sleep increment register since the value is an estimated number of frames per sleep clock cycle, where the fraction value is the frame count, column 13, lines 41-60).

As to **claims 12 and 25** are subject to the above USC 112, 2<sup>nd</sup> paragraph, with reference to rejected claims 10 and 23.

### ***Conclusion***

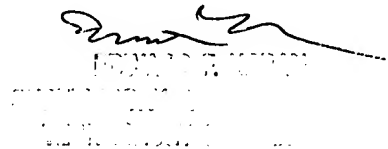
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fang (US 5,548,250) discloses a PLL clocking circuit designed for an active, sleep and idle mode to conserve battery power. Tessier, Jr. et al. (US 6,366,768) discloses a remote wireless communication device comprising a frequency synthesizer enabled for an active mode.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ



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Commissioner of Patents and Trademarks  
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